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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,986	01/31/2001	Hisao Hayashi	SON-2010	2637
7590 11/14/2008		EXAMINER		
RAIDER, FISHMAN & GRAUER, P.L.L.C. Suite 501 1233 20th Street, NW Washington, DC 20036		TRAN, THIEN F		
ART UNIT		PAPER NUMBER		
2895				
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11/14/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* HISAO HAYASHI, MASAHIRO FUJINO,  
YASUSHI SHIMOGAICHI and MAKOTO TAKATOKU

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Application No. 09/772,986  
Technology Center 2800

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Mailed: November 14, 2008

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Before TOI JOHNSON *Review Paralegal*  
JOHNSON, *Review Paralegal.*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on September 22, 2008. A review of the application revealed that it is not ready for docketing as an appeal.

Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

**EXAMINER'S CONSIDERATION OF REPLY BRIEF**

A Reply Brief was filed in this application on July 10, 2008. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR CFR § 41.43(a)(1) and MPEP § 1208, part II.

**CONCLUSION**

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) consider the Reply Brief filed July 10, 2008 as indicated above; and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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